

REMARKS

The Final Office Action of March 8, 2007, has been received and reviewed. The present response is submitted under 37 C.F.R. § 1.114 with a Request for Continued Examination. Claims 1-19 are currently pending in the application. Claims 6-8 were previously withdrawn from consideration. Claims 1-5 and 9-16 are under consideration. Claims 1-5 and 9-16 stand rejected. Claims 1 and 2 are amended herein. All amendments are made without prejudice or disclaimer. No new matter has been presented. Reconsideration is respectfully requested.

35 U.S.C. § 102(b)

Claims 1-5 and 9-16 stand rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by Taylor *et al.* (J. Virol., Apr. 1990, Vol. 64, No. 4, pages 1441-1450) (hereinafter "Taylor"). Applicants respectfully traverse the rejections as hereinafter set forth.

Applicants note that "a claim is only anticipated if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicants respectfully assert that claims 1-5 and 9-16 cannot be anticipated by Taylor as Taylor does not teach each and every element of the claims.

Applicants note that claim 1, as amended, recites the step of "providing a population of animals wherein one or more of the animals in said population has been vaccinated with said second vaccine."

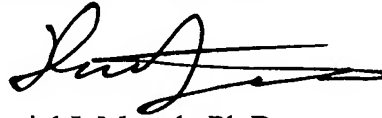
Applicants respectfully submit that Taylor cannot anticipate amended claim 1 as Taylor does not teach "providing a population of animals wherein one or more of the animals in said population has been vaccinated with said second vaccine." In view of at least the foregoing, applicants respectfully request the withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b) and reconsideration of same.

In addition, applicants respectfully assert that claims 2-5 and 9-16 cannot be anticipated by Taylor, *inter alia*, as claims 2-5 and 9-16 depend from non-anticipated claim 1. Consequently, applicants respectfully request the withdrawal of the rejections of claims 2-5 and 9-16 under 35 U.S.C. § 102(b) and reconsideration of same.

CONCLUSION

In light of the above amendments and remarks, applicants respectfully request reconsideration of the application. If questions remain after consideration of the foregoing, or if the Office should determine that there are additional issues which might be resolved by a telephone conference, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel J. Morath', with a stylized flourish at the end.

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